MT LEGISLATIVE HISTORY

Chapter 342 19 85

Bill H _____ (S) 230 Original bill & hist. ✓ C

H. Committee on Judiciary S. Committee on Judiciary

Hearing Date(s) MAR 14 ✓ C Hearing Date(s) FEB 11 ✓ C

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_____ ___ C _____ ___ C

_____ ___ C _____ ___ C

Date Out MAR 14 ✓ C FEB 11 ✓ C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

SENATE BILL NO. 230

INTRODUCED BY TVEIT, GAGE, HARDING, AKLESTAD, CONOVER, LANE, C. SMITH, JONES, POFF, E. SMITH

IN THE SENATE

January 24, 1985	Introduced and referred to Committee on Judiciary.
February 12, 1985	Committee recommend bill do pass. Report adopted.
February 13, 1985	Bill printed and placed on members' desks.
February 14, 1985	Second reading, do pass.
February 15, 1985	Considered correctly engrossed.
February 16, 1985	Third reading, passed. Ayes, 44; Noes, 3.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Judiciary.
March 14, 1985	Committee recommend bill be concurred in. Report adopted.
March 16, 1985	Second reading, concurred in.
March 18, 1985	On motion, taken from third reading and rereferred to Committee on Judiciary.
March 19, 1985	Committee recommend bill be concurred in. Report adopted.

March 22, 1985	Second reading, concurred in.
March 23, 1985	Third reading, concurred in.
	Returned to Senate.

IN THE SENATE

March 23, 1985	Received from House.
March 25, 1985	Sent to enrolling.
	Reported correctly enrolled.

C. Smith Jones P.T. E. Smith

Senate BILL NO. 230

INTRODUCED BY Tracy Conover Day LANE Walding AKLESTAD

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT PUBLIC AGENCIES FROM THE MONTANA HUMAN RIGHTS ACT AND THE GOVERNMENTAL CODE OF FAIR EMPLOYMENT PRACTICE TO THE EXTENT THAT THESE LAWS CONFLICT WITH THE PROHIBITION AGAINST NEPOTISM IN PUBLIC AGENCIES; AMENDING SECTIONS 49-2-303, 49-2-403, AND 49-3-201, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 49-2-303, MCA, is amended to read:

"49-2-303. Discrimination in employment. (1) It is an unlawful discriminatory practice for:

(a) an employer to refuse employment to a person, to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his race, creed, religion, color, or national origin or because of his age, physical or mental handicap, marital status, or sex when the reasonable demands of the position do not require an age, physical or mental handicap, marital status, or sex distinction;

(b) a labor organization or joint labor management committee controlling apprenticeship to exclude or expel any person from its membership or from an apprenticeship or

training program or to discriminate in any way against a member of or an applicant to the labor organization or an employer or employee because of race, creed, religion, color, or national origin or because of his age, physical or mental handicap, marital status, or sex when the reasonable demands of the program do not require an age, physical or mental handicap, marital status, or sex distinction;

(c) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication or to use an employment application which expresses, directly or indirectly, a limitation, specification, or discrimination as to sex, marital status, age, physical or mental handicap, race, creed, religion, color, or national origin or an intent to make the limitation, unless based upon a bona fide occupational qualification;

(d) an employment agency to fail or refuse to refer for employment, to classify, or otherwise to discriminate against any individual because of sex, marital status, age, physical or mental handicap, race, creed, religion, color, or national origin, unless based upon a bona fide occupational qualification.

(2) The exceptions permitted in subsection (1) based on bona fide occupational qualifications shall be strictly construed.

INTRODUCED BILL
SB 230

(3) Compliance with 2-2-302 and 2-2-303, which prohibit nepotism in public agencies, may not be construed as a violation of this section."

Section 2. Section 49-2-403, MCA, is amended to read:

"49-2-403. Specific limits on justification. (1) Sex, Except as permitted in 49-2-303(3) and 49-3-201(5), sex, marital status, age, physical or mental handicap, race, creed, religion, color, or national origin may not comprise justification for discrimination unless the nature of the service requires the discrimination for the legally demonstrable purpose of correcting a previous discriminatory practice.

(2) Age or mental handicap may represent a legitimate discriminatory criterion in credit transactions only as it relates to a person's capacity to make or be bound by contracts or other obligations."

Section 3. Section 49-3-201, MCA, is amended to read:

"49-3-201. Employment of state and local government personnel. (1) State and local government officials and supervisory personnel shall recruit, appoint, assign, train, evaluate, and promote personnel on the basis of merit and qualifications without regard to race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin.

(2) All state and local governmental agencies shall:

(a) promulgate written directives to carry out this policy and to guarantee equal employment opportunities at all levels of state and local government;

(b) regularly review their personnel practices to assure compliance; and

(c) conduct continuing orientation and training programs with emphasis on human relations and fair employment practices.

(3) The department of administration shall insure that the entire examination process, including appraisal of qualifications, is free from bias.

(4) Appointing authorities shall exercise care to insure utilization of minority group persons.

(5) Compliance with 2-2-302 and 2-2-303, which prohibit nepotism in public agencies, may not be construed as a violation of this section."

NEW SECTION. Section 4. Extension of authority. Any existing authority of the human rights commission to make rules on the subject of the provisions of this act is extended to the provisions of this act.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

C. Smith Jones E. Smith

Senate BILL NO. 230

INTRODUCED BY Tom Keating Conover Jeff LANE Ing AKLESTAD

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT PUBLIC AGENCIES FROM THE MONTANA HUMAN RIGHTS ACT AND THE GOVERNMENTAL CODE OF FAIR EMPLOYMENT PRACTICE TO THE EXTENT THAT THESE LAWS CONFLICT WITH THE PROHIBITION AGAINST NEPOTISM IN PUBLIC AGENCIES; AMENDING SECTIONS 49-2-303, 49-2-403, AND 49-3-201, MCA."

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(b) a labor organization or joint labor management committee controlling apprenticeship to exclude or expel any person from its membership or from an apprenticeship or

training program or to discriminate in any way against a member of or an applicant to the labor organization or an employer or employee because of race, creed, religion, color, or national origin or because of his age, physical or mental handicap, marital status, or sex when the reasonable demands of the program do not require an age, physical or mental handicap, marital status, or sex distinction;

(c) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication or to use an employment application which expresses, directly or indirectly, a limitation, specification, or discrimination as to sex, marital status, age, physical or mental handicap, race, creed, religion, color, or national origin or an intent to make the limitation, unless based upon a bona fide occupational qualification;

(d) an employment agency to fail or refuse to refer for employment, to classify, or otherwise to discriminate against any individual because of sex, marital status, age, physical or mental handicap, race, creed, religion, color, or national origin, unless based upon a bona fide occupational qualification.

(2) The exceptions permitted in subsection (1) based on bona fide occupational qualifications shall be strictly construed.

SECOND READING
SB 230

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(2) Age or mental handicap may represent a legitimate discriminatory criterion in credit transactions only as it relates to a person's capacity to make or be bound by contracts or other obligations."

Section 3. Section 49-3-201, MCA, is amended to read:

"49-3-201. Employment of state and local government personnel. (1) State and local government officials and supervisory personnel shall recruit, appoint, assign, train, evaluate, and promote personnel on the basis of merit and qualifications without regard to race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin.

(2) All state and local governmental agencies shall:

(a) promulgate written directives to carry out this policy and to guarantee equal employment opportunities at all levels of state and local government;

(b) regularly review their personnel practices to assure compliance; and

(c) conduct continuing orientation and training programs with emphasis on human relations and fair employment practices.

(3) The department of administration shall insure that the entire examination process, including appraisal of qualifications, is free from bias.

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(5) Compliance with 2-2-302 and 2-2-303, which prohibit nepotism in public agencies, may not be construed as a violation of this section."

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C. Smith Jones Roff E. Smith

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(c) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication or to use an employment application which expresses, directly or indirectly, a limitation, specification, or discrimination as to sex, marital status, age, physical or mental handicap, race, creed, religion, color, or national origin or an intent to make the limitation, unless based upon a bona fide occupational qualification;

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THIRD READING

SB 230

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(c) conduct continuing orientation and training programs with emphasis on human relations and fair employment practices.

(3) The department of administration shall insure that the entire examination process, including appraisal of qualifications, is free from bias.

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(5) Compliance with 2-2-302 and 2-2-303, which prohibit nepotism in public agencies, may not be construed as a violation of this section."

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-End-

MONTANA LEGISLATIVE [illegible]L BILL STATUS SYSTEM
FINAL COMMITTEE R[illegible]ORT OF REFERRED BILLS
COMMITTEE--(S) JUDICIARY

CHAIRMAN--MAZUREK, JOE
SECRETARY-STALEY, CINDY
NORMAL SCHEDULE==> SITE: OLD SUPREME COURT ROOM DAYS: M-TU-W-TH-F TIME: 10:00 A.M.-12 NOON

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
SB0230 TVEIT, LARRY J.	1/24	2/11	MARITAL STATUS A LEGITIMATE CRITERION WHEN REQUIRED BY NEPOTISM LAW	DO PASS		2/11
SB0235 MAZUREK, JOSEPH P.	1/24	1/29	PROFESSIONAL PERSON MAY EXAMINE PROTECTED PERSON BEFORE CONSERVATOR APPMT	DO PASS		1/29
SB0240 LYBECK, RAY	1/24	2/04	2/04 2/4 POLYGRAPH EXAMINATION - ADMISSIBLE BY STIPULATION AND FOR REVOCATION HEARING	ADVERSE REPORT		2/6
SB0245 STORY, PETE	1/25	2/11	2/11 REQUIREMENT THAT JUDGMENT DEBTOR SUBMIT FINANCIAL INFORMATION TO COURT	ADVERSE REPORT		2/12
SB0257 DANIELS, M.K.	1/26	2/12	CHANGE TIME FOR TRIAL LIMITATION IN DETAINER LAW	DO PASS		2/12
SB0267 HALLIGAN, MIKE	1/29	2/11	GIVE UNMARRIED PERSON SAME EXEMPTIONS FROM EXECUTION OF JUDGMENT AS MARRIED	DO PASS		2/12
SB0268 HALLIGAN, MIKE	1/29	2/07	REVISE CRITERIA FOR DETENTION OF YOUTH	PASS AS AMENDED		2/9
SB0290 DANIELS, M.K.	1/31	2/11	CLARIFY HABEAS CORPUS & POSTCONVICTION RELIEF LAW	PASS AS AMENDED		2/11
SB0292 NEUMAN, TED	2/01	2/15	REVISE & CLARIFY MANDATORY LIABILITY INSURANCE LAW	DO PASS		2/15
SB0294 CRIPPEN, BRUCE D.	2/01	2/18	INCLUDE SPOUSE IN THE OFFENSE OF SEXUAL INTERCOURSE WITHOUT CONSENT	DO PASS		2/18
SB0298 YELLOWTAIL JR, WILLIAM P.	2/01	2/12	INCREASING NUMBER OF CLAIMS ALLOWED ANNUALLY IN SMALL CLAIMS COURT	DO PASS		2/12

MINUTES OF THE MEETING
SENATE JUDICIARY COMMITTEE
February 11, 1985

The twenty-sixth meeting of the Senate Judiciary Committee was called to order by Chairman Mazurek in Room 413/415, State Capitol Building, at 10:02 p.m.

ROLL CALL: All members of the Senate Judiciary Committee were present.

CONSIDERATION OF SB230: Senator Tveit, sponsor of SB230, stated the purpose of SB230 is to exempt public agencies from the Montana Human Rights Act.

PROPONENTS: Mr. Chip Erdmann, representing the Montana School Board Association, informed the committee this bill was introduced because of the 1981 Supreme Court decision Thompson v. Board of Trustees. Mr. Erdmann explained that although two bills were introduced in the 1981 Session to reinstate the neptism provision, the bill which passed was deemed to be invalid by the Attorney General. It was the opinion of the Attorney General the bill was not specific enough. Mr. Erdmann feels SB230 is specific in stating the Montana Human Rights Act does not apply to school boards. Mr. Erdmann further explained the provision would apply only to non-tenure teachers and would not include tenure teachers.

Ms. Tammy Hall, representing the Bozeman School Board, stated the passage of SB230 will be good for education and makes good sense. Ms. Hall's husband, who is a plumber, had to stop performing work for the School Board when Ms. Hall became a school board member. Ms. Hall feels whenever a person is involved with the public's money and children, he must be very conscious of the public's perception of this involvement.

Mr. Leroy Schram, legal counsel for the Board of Regents, testified that SB230 is virtually the same as the bill introduced in the 1981 session. Under SB230, a supervisor would not be able to hire his son or his son-in-law. The bill does not prohibit relatives from working in the same school district and pertains only to hiring decisions. Mr. Schram urged the committee for passage of SB230.

Ms. Alice Tully, a Hellgate School Board member, testified in favor of SB230.

There being no further proponents and no opponents, the hearing was opened to questions from the committee.

Senator Towe wanted to know what a person would do if they were refused a teaching position because their spouse was on the school board in a town where emplyment opportunities were limited. Mr. Erdmann replied a decision would have to be made as to whether it was important enough to forfeit an income so one member of the family could be on the school board. Mr. Erdmann stated the bill is meant to only include spouses of board members and superintendents. The spouse of a school principal could be a teacher in the same district. Tammy Hall reminded the committee there are numerous persons in every community qualified to be a member of the school board.

Senator Galt inquired why SB230 was introduced if it is the same as the bill the Attorney General had deemed invalid. Mr. Erdmann explained that although the bill is virtually the same, SB230 is much more specific. SB230 places marital status under the provision of the law where discrimination is proper for valid reasons.

Senator Tveit closed the hearing on SB230 by stating the neptism statute should be included in the law to provide a school system that works well.

There being no further questions from the committee, the hearing on SB230 was closed.

CONSIDERATION OF SB267: Senator Halligan, sponsor of SB267, opened the hearing by stating the purpose of SB267 is to equalize the exemptions allowed a judgment debtor. Senator Halligan pointed out that while there is a long list of exemptions for married persons, the single man is allowed to retain virtually nothing more than the shirt on his back.

PROPONENTS: Mr. Martin Jacobson, representing Chris Daily of Missoula, Montana, testified that passage of SB267 will solve the discrimination and equal protection problems in the current statute. Mr. Jacobson feels it is unjust that an unmarried person is not able to retain the necessary items to enable him to earn a living.

Senator Towe questioned Senator Halligan as to whether it was his intention to allow a single man the same amount of exemptions as a married couple or only half the amount. It was brought to the committee's attention that if a single man received the same amount of exemptions as a married couple, he would be receiving double the amount he is entitled to. Senator Halligan stated that a single man should receive only the exemptions which one judgment debtor would be entitled to.

ROLL CALL

SENATE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 021

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	✓		
Senator Bob Brown	✓		
Senator Bruce D. Crippen	✓		
Senator Jack Galt	✓		
Senator R. J. "Dick" Pinsoneault	✓		
Senator James Shaw	✓		
Senator Thomas E. Towe	✓		
Senator William P. Yellowtail, Jr.	✓		
Vice Chairman Senator M. K. "Kermit" Daniels	✓		
Chairman Senator Joe Mazurek	✓		

DATE

COMMITTEE ON Senate Judiciary 2/11/95

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One Support	Check One Oppose
Chip Erdmann	MT School Bd Assoc	SB230	✓	
Rob Smith	Attorney General	SB290	✓	
Tammy Hall	MSBA - Bozeman Schools	SB230	✓	
Anne Mac Donald	Human Rights Comm	SB230		

STANDING COMMITTEE REPORT

February 11 19 55

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE BILL No. 230

first reading copy (white)
color

MARITAL STATUS A LEGITIMATE CRITERION WHEN REQUIRED BY NEPOTISM LAW

Respectfully report as follows: That SENATE BILL No. 230

DO PASS

~~DO NOT PASS~~

Senator Joe Mazurek Chairman.

(To be kept current -- post bills when entering being heard or leaving committee.) Form CS-32

STATUS SHEET

FORTY-NINTH LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON-CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON-CURRED IN DATE
SB 105	2/27/85	3/13/85	3/13/85					3/13/85	
SB 110	2/27/85	3/13/85	3/13/85					3/13/85	
SB 119	2/27/85	3/13/85 3/21/85	3/21/85					3/21/85	
SB 132	2/27/85	3/12/85	3/12/85				3/12/85		
SB 144	2/27/85	3/11/85	3/11/85					3/11/85	
SB 151	2/27/85	3/14/85	3/14/85					3/14/85	
SB 152	2/27/85	3/22/85	3/22/85					3/22/85	
SB 184	2/27/85	3/18/85	3/18/85					3/18/85	
SB 185	2/27/85	3/14/85	3/14/85					3/14/85	
SB 186	2/27/85	3/14/85	3/14/85					3/14/85	
SB 200	2/27/85	3/18/85	Died						
SB 230	2/27/85	3/14/85	3/14/85				3/14/85		
SB 235	2/27/85	3/14/85	3/14/85				3/14/85		
SB 298	2/27/85	3/18/85	3/18/85				3/18/85		
SB 314	2/27/85	3/18/85	3/18/85					3/18/85	
SB 321	2/27/85	3/18/85 3/26/85	3/26/85					3/26/85	

[illegible] pa[illegible] sh[illegible] f[illegible] Sen[illegible], H[illegible] B[illegible]s, [illegible] Re[illegible]

why the Senate wanted to keep that $1,500 cap on to protect the single family dwelling, particularly.

In response to a question asked by Rep. Addy, Ms. Begler said that in most cases, the trustee and the attorney is the same person thereby receiving the whole fee.

There being no further questions or discussion, hearing closed on SB 185.

CONSIDERATION OF SENATE BILL NO. 230: Senator Larry Tveit, District #11, chief sponsor of the bill, testified. This is an act to exempt public agencies from the Montana Human Rights Act and the Governmental Code of Fair Employment Practices to the extent that these laws conflict with the prohibition against nepotism in public agencies.

Chip Erdmann, representing the Montana School Board Association, said this bill restores the original nepotism statute to its original form. This statute was first adopted in 1933 out of public policy. In 1981 the Montana Supreme Court, in a case involving a school district, ruled that the Human Rights Act prohibited that school district from adopting a policy that would not allow both the husband and wife to teach in the same faculty. They said that violated the marital status discrimination clause. A copy of the Attorney General's Opinion No. 40 regarding the nepotism law was submitted and marked Exhibit D. Mr. Erdmann further pointed out that there is very specific language in this bill exempting public agencies from the Montana Human Rights Act.

Tammy Hall, a trustee from Bozeman and also on the Board of Director for the Montana School Board Association, stated that she supports this change. She feels that a nepotism policy in public schools is really needed in order for them to be effective. She said that "we really do deal with the most precious possession that people have -- and that is their children." We are also one of the major employees in the community. It is very important for the public to believe that the school boards are operating out of an interest for education. It is a fact in public office that perceptions become realities. Even if a person is hired on qualifications, it is just a perception that the person won out of over 300 other applicants. She feels it will make it more difficult for that person to do his job. Also, we have to realize that that particular school board member becomes totally ineffective. The biggest argument she has heard against the bill is that it is not fair to a teacher who wants to work in the system. She feels that we're overlooking where the responsibility lies. She feels the responsibility lies with the school board members.

Mary Jean Marron from Lolo said she supports this bill. She feels it is good public policy to prohibit elected officials from hiring their close relatives. This bill makes the nepotism statute apply to both blood relatives and relatives by marriage. She told the committee that she, too, serves on

the school board.

LeRoy Schramm, legal counsel for the Board of Regents, testified as a proponent. He said that the Attorney General only wiped half the laws out concerning this statute. He feels that we should go the whole way to make it apply to both blood relatives and relatives by marriage.

There were no further proponents nor any opponents. Senator Tveit closed. He pointed out that this nepotism statute does not apply to tenured teachers.

The floor was opened to questions from the committee.

Rep. Rapp-Svrcek asked Mr. Erdmann if this statute would prohibit the spouse of an administrator from entering into employment. Mr. Erdmann said it will not. He said that in particular school districts the school board has the authority to do the hiring, so there is nothing to prohibit the hiring of the spouse of the administrator. Rep. Rapp-Svrcek asked if this in any way prohibits a couple from being employed in the same school district. Mr. Erdmann said no, it does not. Rep. Rapp-Svrcek said that by passing this bill, it just precludes family members of the school board from being employed. Mr. Erdmann said that was correct.

Rep. Hannah pointed out that in Senator Tveit's closing statement he made reference that this would not apply to tenured teachers. Rep. Hannah said that if the reason why we have the bill is valid, then it should apply to all situations. Mr. Erdmann said he didn't know if this bill would be the right vehicle to do that. He referred to the tenure statutes which are not addressed here.

Rep. Krueger wanted to know how many situations throughout the state of Montana occur as a result of this. Mr. Erdmann didn't have any exact numbers. He said that it was his understanding if this bill were to become effective, the next time the school board were to take action on those individual contracts either the person comes off the school board or the employee discontinues working for the district.

Rep. Miles asked if this statute is going beyond the school board. Mr. Erdmann said yes, it does. It applies to all elected officials.

Rep. Mercer asked Mr. Erdmann if we weren't elevating nepotism to be more important than discrimination. He asked if there was anything relating to nepotism in the constitution, and why should nepotism be more of an important public policy than sexism. Mr. Erdmann said there is nothing in the constitution dealing with nepotism. What we are asking the legislature to do is make a policy determination. In 1933, the legislature determined that it was good public policy to have a strong nepotism policy. The impact on discrimination

-- which would exist in relation to the marital status -- is minimal. The Human Rights Act was never intended to overrule a public policy exempting this.

There being no further questions, hearing closed on SB 230.

CONSIDERATION OF SENATE BILL NO. 151: Senator Brown, District #2, chief sponsor of this bill, testified. This is an act to increase the time during which imposition of a sentence may be deferred when the deferral has a condition that imposes any financial obligation. He said this bill broadens the bill that was introduced last session by Senator Halligan.

There being no further proponents or opponents, Senator Brown closed.

There being no questions, hearing closed on SB 151.

EXECUTIVE SESSION

ACTION ON SENATE BILL NO. 151: Rep. Addy moved that SB 151 BE CONCURRED IN. The motion was seconded by Rep. Hammond.

Rep. Mercer moved to amend on page 1, line 25 following "restitution" by striking ", as" through "(2)". The motion was seconded by Rep. Eudaily and carried unanimously.

Rep. Cobb moved that SB 151 BE CONCURRED IN AS AMENDED. The motion was seconded by Rep. Eudaily and carried unanimously. Rep. Cobb will carry the bill on the floor.

ACTION ON SENATE BILL NO. 185: Rep. Cobb moved that SB 185 BE CONCURRED IN. The motion was seconded by Rep. Addy.

Rep. Eudaily moved that the title be amended on line 4 by striking "ALLOWING" and inserting "INCREASING". The motion was seconded by Rep. Hannah and carried unanimously.

Rep. Mercer made a substitute motion that SB 185 BE NOT CONCURRED IN AS AMENDED. The motion was seconded by Rep. Rapp-Svrcek. Rep. Mercer feels this bill was introduced for the benefit of banks. He doesn't agree that banks should be able to recover full attorneys' fees and trustees' fees. Rep. Hannah spoke in favor of the motion to kill the bill. He said this is a classic example of a chipping away process -- the same bill was introduced last session.

Rep. Addy said the reinstatement fees are still bound by the court's determination. They are justified by the amount of work produced, that is developed by the attorney representing the lender. He said that Rep. Gould was right to the extent that if you don't allow the lending institution to recoup their foreclosure costs, you are passing that costs along to other customers. To the extent that it isn't passed along

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3/14/85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)			✓
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

STANDING COMMITTEE REPORT

March 14 19 85

MR. Speaker

We, your committee on Judiciary

having had under consideration Senate Bill No. 230

Third reading copy (Blue color)

MARITAL STATUS A LEGITIMATE CRITERION WHEN REQUIRED BY NEPOTISM LAW

Respectfully report as follows: That Senate Bill No. 230

BE CONCURRED IN

DO PASS

STATE PUB. CO.
Helena, Mont.

REP. TOM HANNAH, Chairman.

COMMITTEE SECRETARY

VISITORS' REGISTER

HOUSE JUDICIARY COMMITTEE

BILL NO. SB 151 (Sen. Brown) ; SB 185 (Sen. Hirsch); ~~SB 186 (Sen. Himsl);~~ SB 230 (Sen. Tveit); ~~SB 235 (Sen. Mazurek)~~

DATE March 14, 1985

SPONSOR

NAME (please print)	~~RESIDENCE~~ REPRESENTING	SUPPORT	OPPOSE
JULIE BEGLER	MBA	SB 185	
JOHN CADBY	MT BANKERS	SB 185	
Mary Jean Marron	District #4	SB 186	
Chip Erdmann	MT School Bd Assoc	SB 230	
Kathleen Holden	MT. Human Rights Comm	SB 230	
Tammy Hall	MSBA	SB 230	
Wayne Buchanan	MSBA	SB 230	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.